



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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Secretary for Constitutional and Mainland Affairs  
Constitutional and Mainland Affairs Bureau  
(Attn: Mr Freely CHENG  
PAS (Constitutional and Mainland Affairs)3)  
12/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar  
Hong Kong

**URGENT BY FAX**  
Fax No.: 2840 1976

25 June 2012

Dear Mr CHENG,

**Proposed amendments to the resolution to be moved under section 54A of  
the Interpretation and General Clauses Ordinance (Cap. 1)**

The Chief Secretary for Administration has written to the President on 19 June 2012 proposing amendments to the resolution to be moved under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) (the proposed Resolution), which seeks to give effect from 1 July 2012 to the re-organisation of the Government Secretariat proposed by the Chief Executive-elect. We are scrutinizing the legal and drafting aspects of the amendments and would be grateful if you could clarify the matter mentioned in the ensuing paragraphs.

According to the amendments relating to the commencement date of the proposed Resolution, if the Finance Committee (FC) approves the recommendation and proposal in FCR(2012-13)43 and FCR(2012-13)44 on or after 1 July 2012, the commencement date of the proposed Resolution will be the 5th day after the approval of FC. Uncertainties may arise if the commencement date of the proposed Resolution dates back by operation of the amendments.

Assuming FC approves the recommendation and proposal on 3 July 2012 and the proposed Resolution is passed at the Council meeting on 11 July 2012, the commencement date of the proposed Resolution will be backdated to 8 July 2012, i.e. when the former officers were still exercising their statutory functions. The provisions in paragraph (2) of the proposed Resolution have not catered for this situation and therefore, the legality of the acts of and anything done by the former officers between 8 and 11 July 2012 is not clear.

We would be grateful if you could let us have your reply to clarify the above-mentioned uncertainties on or before 27 June 2012.

Yours sincerely,



(Timothy TSO)  
Assistant Legal Adviser

cc Clerk to the Finance Committee  
Clerk to the House Committee  
LA  
SALA3